

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:08cv19**

<b>VERNE E. SHIVE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>JUDGMENT</b>
	)	
<b>MICHAEL J. ASTRUE, Commissioner of Social Security,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**THIS MATTER** having come before the court pursuant to 28, United States Code, Section 636(c) and upon plaintiff's Motion for Summary Judgment and the Commissioner's Motion for Summary Judgment, and it appearing that the final decision of the Commissioner is supported by substantial evidence and consistent with current law, as shown in the Memorandum of Decision filed simultaneously herewith,

**IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED** that defendant's Motion for Summary Judgment (#20) is **GRANTED**, plaintiff's Motion for Summary Judgment (#17) is **DENIED**, the final decision of the Commissioner's is **AFFIRMED**, and this action is **DISMISSED**.

Signed: January 29, 2009



Dennis L. Howell  
United States Magistrate Judge

